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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,425	10/23/2000	Troy Alan Ussery	OFFW01-00008	1041

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EXAMINER

MELWANI, DINESH

ART UNIT PAPER NUMBER

3677

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/694,425

Applicant(s)

USSERY ET AL.

Examiner

Dinesh N Melwani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: Page 2, line 2 contains a syntax error. The Examiner suggests deleting one of the occurrences of the word "via".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-5, 8-15, 18-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Thompson (U.S. Patent No. 6,393,410). Thompson discloses an electronic commerce system for use over a global communications network (i.e., the internet) having company nodes (i.e., the owner of a project such as an architect or contractor) and constituency nodes (i.e., a purchaser such as a contractor or engineer) associated therewith; wherein said system comprises a data repository (col. 2, lines 40-45) that is operable to store data files associated with said company nodes, wherein said company nodes populate respective associated data files with commercial information; a communications controller (20) that is operable (i) to propagate communications interfaces accessible by said constituency nodes with selected portions of said commercial information under direction of said company nodes (col. 3, lines 29-36), and (ii) gather feedback

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information representative of constituency response to said constituency nodes accessing said communication interfaces (col. 4, lines 20-49). As it concerns claims 2, 3, 12, and 13, Thompson's system is further operable to process said gathered feedback information (i.e., submitted bids) and, in response thereto, modify one of said data files (col. 4, lines 31-49); and to report results of the bidding process to the company node. Regarding claims 4 and 14, Thompson's controller employs mathematical representation (i.e., the fundamentals such as binary code upon which computing occurs) to represent at least one of constituency understanding and reaction (i.e., submitted bids). Thompson also discloses the use of a digitizer, see col. 3, lines 26. As it concerns claims 5 and 15, Thompson's system further comprises a security controller that is operable, with respect to those data files associated with said company node, to limit access to said those data files to designated personnel of said company nodes; i.e., the information is not made public until a supervisor accepts the information, see col. 3, lines 29-36. Additionally, Thompson also teaches the use of a user authentication system where the user must enter a log-in ID and password. As it concerns claims 8, 9, 18, and 19, Thompson's controller is also operable to store, index, and relate associated portions of said commercial information in the data repository, see the Abstract; wherein said commercial information is organized in a manner to be made available to the public or constituency nodes.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 7, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (U.S. Patent No. 6,393,410) in view of Holzrichter *et al.* (U.S. Patent No. 5,729,694). Thompson discloses an electronic commerce system substantially as claimed; wherein said system includes a security controller. Thompson's fails to disclose the use of interactive voice recognition to identify designated personnel. Holzrichter teaches the use of speaker identification, language-of-speech identification, and speech translation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Holzrichter, in regards to speaker identification, language-of-speech identification, and speech translation, provide Thompson's systems with the capability of being accessed by those denied use of their hands and thereby precluded from using a conventional computer terminal.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Krause (U.S. Patent No. 5,950,206), Rauber *et al.* (U.S. Patent No. 6,549,891), Teacherson (U.S. Patent No. 6,578,010), Elliott (U.S. Patent No. 6,446,053), Lungren *et al.* (U.S. Patent No. 6,092,050), and Satyavolu *et al.* (U.S. Patent No. 6,517,587) substantially disclose the present invention as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM

June 14, 2003

  
ROBERT J. SANDY  
PRIMARY EXAMINER